IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs: 1672, 1678, 1680, 1681, 1785, 1792, 1794, 1795 and 1797 of 2005

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1) WRIT PETITION NO: 1672 of 2005

Between:

Smt. M. Padma, W/o. M. Srinivas,
H.No. 7-1-112, Ferozguda, Balanagar Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Balanagar Mandal, Ranga Reddy District.
2 The Revenue Divisional Officer, Chevella Division,
Upparapalli Cross Road, Rajenderanagar Mandal,
Ranga Reddy District.
3 The Joint Collector, Ranga Reddy District
at Lakidikapool, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of Mandamus declaring the in action of the 2nd respondent in issue of authorization to the petitioner and allotment of stocks for distribution to the cardholders of F.P.Shop of Anjayyanagar, Hasmatpet, Balanagar Mandal of Ranga Reddy District bearing shop No. 411-I as illegal, arbitrary, unjustified, unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of commodities to the petitioner for distribution to the cardholders and pass

such order or other orders as it deem fit.

2) WRIT PETITION NO : 1678 of 2005

Between:

Smt. D. Vanaja W/o D. Rajasekhar
H. No. 5-35/120A, Prasanthanagar, Kukatpally, Ranga Reddy District

..... PETITIONER

AND

1 The Mandal Revenue Officer, Balanagar Mandal, Ranga Reddy District
2 The Revenue Divisional Officer, Chervella Division, upparapalli Cross Roads Rajendernagar Mandal, Ranga Reddy District
3 The Joint Collector, Ranga Reddy District at Lakidikapool, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction mostly one which is in the nature of writ of Mandamaus declaring the in action of the 2nd respondent in issue of authorization to the petitioner and allotment of stocks for distribution to the cardholders of F.P. Shop of Indiranagar, Moosapet area, balanagar Mandal of Ranga Reddy District bearing shop No. 406-I as illegal, arbitrary unjustified, unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of commodities to the petitioner for distribution to the cardholders and pass such order or others as it may deem fit.

3) WRIT PETITION NO : 1680 of 2005

Between:

Smt. B. Vijayakumari, w/o Rajasekhar Reddy,

Plot No.67, Satuivahama Nagar,
Kukatpalli, Hyderabad.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Balanagar Mandal, Ranga Reddy District.
2 The Revenue Divisional Officer, Chevella Division,
Upparapalli Cross Road, Rajenderanagar Mandal, Ranga Reddy District.
3 The Joint Collector, Ranga Reddy District, at Lakidikapool, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of mandamus declaring the inaction of the 2nd respondent in issue of authorization to the petitioner and allotment of stocks for distribution to the cardholders of F.P. shop of Indiranagar, Moosapet area, Balanagar Mandal of Ranga Reddy District bearing shop No. 406-I as illegal, arbitrary, unjustified, unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of commodities to the petitioner for distribution to the cardholders and pass such order or other orders as it may deem fit.

4) WRIT PETITION NO : 1681 of 2005

Between:

Smt.S.Anitha W/o.S.Sivaraj
H.No.13-1-24/2 Ramaraonagar
Moosapet Area, R.R.District.

..... PETITIONER

AND

1 The Mandal Revenue Officer Balanagar Mandal, R.R.district.
2 The Revenue Divisioanl Officer, Chevella Division,
Upparapalli Cross Road, Rajenderanagar Mandal
R.R.District.
3 The Joint Collector Ranga Reddy District
at Lakidikapool,Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of Mandamus declaring the in action of the 2nd respondent in issue of authorization to the petitioner and allotment of stocks for distribution to the cardholders of F.P.Shop of Ramaraonagar, Moosapet area, Balanagar Mandal of Ranga Reddy District bearing shop No.403-I as illegal, arbitrary unjustified unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of Commodities to the petitioner for distribution to the cardholders and pass such order or orders as it may deem fit.

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5) WRIT PETITION NO : 1785 of 2005

Between:

Smt.Chandrakumari, w/o Mahender,
Yapral Village, Malkajgiri Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Malkajgiri Mandal, R.R.District.
2 The Revenue Divisional Officer, Chevella Division, Upparapalli Cross Road, Rajendernagar Mandal, R.R.District.
3 The Joint Collector, Ranga Reddy District at Lakdikapool, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of MANDAMUS declaring the inaction of the 2nd respondent in issue of authorization to the petitioner and allotment of stocks for distribution to the cardholders of F.P.Shop of Vinayaknagar, Malkajgiri Mandal of Ranga Reddy District bearing shop No.II as illegal, arbitrary, unjustified, unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of commodities to the petitioner for distribution to the cardholders and pass such order or other orders as it may deem fit.

6) WRIT PETITION NO : 1792 of 2005

Between:

E. Vijaya Kumar, S/o. Bikshapathi,
R/o. Plot No. 82, Sudhanagar, Malkajgiri Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy District.
2 The Revenue Divisional Officer, Chevella Division,
Upparapalli Cross Road, Rajenderanagar Mandal, Ranga Reddy District.
3 The Joint Collector, Ranga Reddy District
At Lakidikapool, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of Writ

of MANDAMUS declaring the in action of the 2nd respondent in issue of authorization to the petitioner and allotment of stocks for distribution to the cardholders of F.P. Shop of Vinayaknagar, Malkajgiri Mandal of Ranga Reddy District bearing shop No. II as illegal, arbitrary, unjustified, unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of commodities to the petitioner for distribution to the cardholders and pass such order or other orders as it may deem fit.

7) WRIT PETITION NO : 1794 of 2005

Between:

B. Krishna, S/o. B. Limboji Rao,
H.No. 30-5-15, Vinayaknagar, R.K. Puram, Neredment, R.R.District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Malkajgiri Mandal, R.R.District.
2 The Revenue Diviional Officer, Chevella Division, Upparapalli Cross Road, Rajenderanagar Mandal, R.R.District.
3 The Joint Collector, R.R.District, at Lakidikapool, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ order or direction mostly one which is in the nature of writ of Mandamus declaring the in action of the 2nd respondent in issue of authorization to the petitioenr and allotment of stocks for distribution to the cardholders of F.P. Shop of Vinayaknagar Village, Malkajgiri Mandal of Ranga Reddy District bearing New F.P. Shop as illegal, arbitrary, unjustified unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of commodities to the petitioner for distribution to the cardholders and pass such order or other orders as it may deem fit.

8) WRIT PETITION NO : 1795 of 2005

Between:

Kum.T.Keerthibai, d/o T.Ashok Singh,
r/o Safilguda, Malkajgiri Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Malkajgiri Mandal, R.R.District.

2 The Revenue Divisional Officer, Chevella Division, Upparapalli Corss Road, Rajendranagar Mandal, R.R.District.
3 The Joint Collector, Ranga Reddy District at Lakdikapool, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of Mandamus declaring the inaction of the 2nd respondent in issue of authorization to the petitioner and allotment of stocks for distribution to the cardholders of New F.P.Shop, Babujagajeevanram Nagar, Malkajgiri Mandal of Ranga Reddy District bearing New F.P.Shop as illegal, arbitrary, unjustified, unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of commodities to the petitioner for distribution to the cardholders and pass such order or other orders as it may deem fit.

9) WRIT PETITION NO : 1797 of 2005

Between:

Smt. A. Bharathi, W/o Muralidhar,
H.No. 42-30, Gayatrinagar, Moulali, Malkajgiri Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Malkajgiri Mandal, Ranga Reddy District.
2 The Revenue Divisional Officer, Chevella Division, Upparapalli Cross Road, Rajenderanagar Mandal, Ranga Reddy District.
3 The Joint Collector, Ranga Reddy District at Lakidikapool, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of Mandamus declaring the inaction of the 2nd respondent in issue of authorization to the petitioner and allotment of stocks for distribution to the cardholders of F.P. shop of Moulali village, Malkajgiri Mandal of Ranga Reddy District bearing New F.P. Shop as illegal, arbitrary, unjustified, unwarranted and unsustainable and direct the respondents to immediately issue the authorization and allotment of commodities to the petitioner for distribution to the cardholders and pass such order or other orders as it may deem fit.

Counsel for the Petitioner:MR.P.VEERA REDDY

(In all the cases)

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

(In all the cases)

The Court made the following :

COMMON ORDER:

In all these writ petitions, the petitioners were selected and appointed as dealers of various fair price shops through orders, dated 05.01.2005. They are said to have been issued licenses to enable them to function as fair price shop dealers. They also claim to have acquired mulgies to conduct business. Their common grievance is that though more than a month had elapsed since the date of appointment, the respondents are not supplying essential commodities to them.

Heard the learned counsel for the petitioners. Learned Government Pleader made submissions on the basis of instructions. According to him, in certain cases, the appointing authority noticed some facts, which have bearing on the very eligibility of the concerned petitioners, and delay in distribution of commodities is on account of verification of the said facts.

It is not in dispute that all the petitioners responded to a notification, dated 26.11.2004, issued by the Revenue Divisional officer, Chevella, for the purpose of selection and appointment of dealers for various shops. The petitioners were selected and orders of appointment were issued on 05.01.2005. Such an order enables them to function as fair price shop dealers.

The respondents state that recently certain facts came to their notice and if the same are true, some of the petitioners become ineligible to be appointed or continued as dealers, and the delay in distribution of commodities is on account of verification of these facts. Even if this contention is to be accepted, the appointing authority cannot be permitted to sit over the matter indefinitely. With the issuance of an order of appointment, the appointed candidate acquires a right to function as dealer. In case, the appointing authority gets any information as to the ineligibility of the candidate, the only course open to him is to issue a show cause notice, duly stating the

reasons, on the basis of which he proposes to take action. Till the same is done, he cannot deny supply of commodities to the selected candidates.

For the foregoing reasons, the writ petitions are disposed of directing that;

a. The respondents shall release essential commodities to the petitioners within one week from today, duly verifying the existence of licenses and by issuing authorizations.

b. In case, the Revenue Divisional Officer proposes to take any action, it shall be open to him to issue notice to such of the petitioners against whom there are allegations. In such cases, the essential commodities need not be supplied, in case the notice is issued within one week from today.

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L.NARASIMHA REDDY, J

Dated : 10.02.2005

Note: Furnish copy

In two days

(B/o)

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To

1 The Mandal Revenue Officer, Balanagar Mandal, Ranga Reddy District.
2 The Revenue Divisional Officer, Chevella Division,
Upparapalli Cross Road, Rajenderanagar Mandal,
Ranga Reddy District.
3 The Joint Collector, Ranga Reddy District
at Lakidikapool, Hyderabad.

4 The Mandal Revenue Officer, Malkajgiri Mandal, R.R. District.

5 2 CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

6 2CD copies.